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Attorneys for Plaintiff SHAMEKA BOLTON  
the Proposed Class and Subclass, and  
the Aggrieved Employees

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

SHAMEKA BOLTON, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

U.S. Nursing Corp., and DOES 1 through 50,  
inclusive,

Defendants.

Case No: C-12-04466 LB

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

1 The Court, having read the papers filed with regard to Plaintiff's unopposed motion for  
 2 preliminary approval of a class action settlement, and after hearing argument regarding that  
 3 motion on \_\_\_\_\_, hereby FINDS AND ORDERS as follows:

4 1. The Settlement Agreement attached as Exhibit 1 to the Declaration of Jonathan E.  
 5 Gertler filed on \_\_\_\_\_ is within the range of possible approval, and, subject to further  
 6 consideration at the final approval hearing described below, is preliminarily approved as fair,  
 7 reasonable and adequate, subject to a hearing following notice to the Settlement Class as provided  
 8 herein for final approval.

9 2. In accordance with the Settlement Agreement, the Court hereby conditionally  
 10 certifies a Settlement Class consisting of all present and former non-exempt U.S. Nursing Corp.  
 11 employees who have been placed to work at healthcare facilities in California during trade  
 12 disputes at any time since July 25, 2008 through the date of this Order. The Court finds that this  
 13 Settlement Class, consisting of more than 2,500 individuals, is so numerous that joinder of all  
 14 members is impracticable. The Court also conditionally certifies a Subclass consisting of those  
 15 class members whose time sheets, on one or more days, reflect a half-hour deduction from the  
 16 total daily time worked when no meal period is otherwise identified for that day.

17 3. The Court finds that there are questions of law or fact that are common to the  
 18 Settlement Class and Subclass that predominate any individualized questions of law or fact. Such  
 19 questions include (1) whether U.S. Nursing timely paid class members their earned wages as  
 20 required by Labor Code section 201.3; (2) whether U.S. Nursing paid members of the class for all  
 21 hours worked, including time spent being bussed to and from the healthcare facilities; (3) and  
 22 whether U.S. Nursing improperly automatically deducted 30 minutes from nurses' timesheets  
 23 when they failed to record a meal period.

24 4. The Court finds that the claims of Shameka Bolton are typical of the claims of the  
 25 members of the class and Subclass and that she will fairly and adequately protect the interests of  
 26 the Settlement Class. Certification of the Settlement Class and Subclass is superior to other  
 27 available methods for the fair and efficient adjudication of the controversy. Accordingly,  
 28 Shameka Bolton is hereby appointed as Class Representative; her counsel of record, Chavez &

1 Gertler LLP and Andrus Anderson LLP, are appointed as counsel for the Settlement Class and  
2 Subclass.

3 5. The Court finds that in the present case mailed notice via first class mail is the best  
4 practicable method of notice that is reasonably calculated to apprise Class Members of the  
5 Settlement Agreement and their rights. The Court also finds that the proposed Class Notice is  
6 sufficient to inform Class Members of the terms of the Settlement, their rights under the  
7 Settlement, including, but not limited to, their right to object to the settlement and/or receive a  
8 Settlement Share, and the processes for doing so; and the date and location of the final approval  
9 hearing. Accordingly, the proposed Notice and notice plan set out in the Settlement Agreement,  
10 which includes updating Class Member addresses through the National Change of Address  
11 database and skip-tracing any returned notices, is approved.

12 6. Pursuant to the terms of the Settlement Agreement, Heffler Claims Group shall act  
13 as the Settlement Administrator in this case. The Settlement Administrator is hereby directed to  
14 mail the approved Class Notice by first-class mail to the Class Members as specified by the  
15 Settlement Agreement and to re-mail any returned addresses as specified by the Settlement  
16 Agreement. The parties are further directed to carry out and comply with the terms of the  
17 Settlement Agreement, particularly with respect to providing the Settlement Administrator the  
18 information and data necessary to carry out its duties.

19 7. Any Class Member who wishes to comment on or object to the Settlement or Class  
20 Counsel's Fees and Costs Payment shall have until forty-five (45) days after the mailing of the  
21 Class Notice to submit his or her comment or objection, pursuant to the procedures set forth in the  
22 Settlement Agreement and Class Notice.

23 8. A hearing is hereby set for \_\_\_\_\_, 2013 at \_\_:00 \_\_.m. in Department  
24 C of this Court to consider any objections that may be filed and to determine whether the  
25 proposed settlement is fair, reasonable and adequate and should be finally approved, and to  
26 determine the amount of attorneys' fees, costs, and expenses to be paid to Plaintiff's Counsel. All  
27 memoranda, affidavits, declarations and other evidence in support of the request for final approval  
28 of the settlement shall be filed ten (10) court days prior to the above hearing. All memoranda,

1 affidavits, declarations and other evidence in support of the request for costs and attorneys' fees  
2 and the Class Representative's request for a service award shall be filed within five (5) court days  
3 after the entry of this Order. The Court reserves the right to continue the date of the final  
4 approval hearing without further notice to Class Members.

5 9. Any Class Member may appear at the final approval hearing in person, or by his or  
6 her own attorney, and show cause why the Court should not approve the Settlement, or object to  
7 the motion for the award of the Class Representative Payments and the Class Counsel Fees and  
8 Costs Payment. Any attorney representing the Class Member must file a notice of appearance  
9 with the Court and serve the notice of appearance on Class Counsel and counsel for U.S. Nursing,  
10 no later than seven days prior to the hearing set above in paragraph 8.

11 IT IS SO ORDERED.  
12

13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. LAUREL BEELER  
U.S. MAGISTRATE JUDGE